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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,085	07/07/2003	Nicholas C. Skrepetos	50085.SUSU1	7981
23552	7590	01/25/2006	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			WILLIAMS, JEFFERY L	
			ART UNIT	PAPER NUMBER
			2137	
DATE MAILED: 01/25/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/615,085

Applicant(s)

SKREPETOS, NICHOLAS C.

Examiner

Jeffery Williams

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Specification***

The disclosure is objected to because of the following informalities: Page 3, line 23 incorrectly describes "monitoring application 208" instead of "monitoring application 108".

Appropriate correction is required.

***Claim Objections***

Claim 13 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 13 contains the same limitation as claim 12.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

1 The specification shall conclude with one or more claims particularly pointing out and distinctly  
2 claiming the subject matter which the applicant regards as his invention.

3  
4 **Claims 1 – 20 are rejected under 35 U.S.C. 112, second paragraph, as being**  
5 **indefinite for failing to particularly point out and distinctly claim the subject**  
6 **matter which applicant regards as the invention.**

7  
8 The terms "substantially unrecoverable" and "substantially undeterminable" in  
9 claims 1, 14, and 18 are relative terms which render the claim indefinite. The terms  
10 "substantially unrecoverable" and "substantially undeterminable" are not defined by the  
11 claim, the specification does not provide a standard for ascertaining the requisite  
12 degree, and one of ordinary skill in the art would not be reasonably apprised of the  
13 scope of the invention. These terms inadequately describe how and by whom/what  
14 such file data and user activities become unable to be recovered or determined.

15  
16 The term "securely" in claims 1, 14, and 18 is a relative term that renders the  
17 claims indefinite. The term "securely" is not defined by the claim, the specification does  
18 not provide a standard for ascertaining the requisite degree, and one of ordinary skill in  
19 the art would not be reasonably apprised of the scope of the invention. The term  
20 "securely" inadequately describes a level of security since what is secure is relative to  
21 viewpoint.

22  
23 The term "selectively securely" in claims 1, 14, and 18 is nonsensical which  
24 renders the claims indefinite. The term "selectively securely" is not defined by the

claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is unclear as to whether the claim intends for "selectively" to qualify a state of "securely", for "selectively" to qualify a state of erasing, or for the act of erasing to be qualified as both "selectively" and "securely".

All other claims are rejected by virtue of their dependency.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1 – 3 and 8 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over X-Block.com, "Xblock" in view of Gaul, Jr. (Gaul), "Internet/Network Security Method and System for Checking Security of a Client from a Remote Facility", U.S. Patent Publication 2001/0034847.**

Regarding claim 1, Xblock discloses a security application designed for:

1           *erasing a file associated with the remote computer, scanning the remote*  
2   *computer to determine whether a monitoring application is present on the remote*  
3   *computer; and clearing activities of a user of the remote computer* (Xblock, page 1,  
4   bulleted features). Xblock discloses that the user is provided an interface to the security  
5   application functionality so as to select the security functions to be performed (Xblock,  
6   page 7, Overview). Xblock discloses that the security application is embodied as an  
7   encapsulated or self-contained executable and requires no installation upon the user  
8   machine (Xblock, page 3, pars. 6-8). While the examiner considers the functional  
9   language - *wherein downloading software onto the computer is avoided* - as adding no  
10   structure to the claim and bearing no patentable weight, the examiner does point out to  
11   the applicant that the method of Xblock does not require the downloading of software to  
12   the computer during the step of *selectively clearing activities of a user*.

13           Xblock discloses that the security application is executed locally to the user's  
14   computer, instead of remotely upon a server. Thus, Xblock does not disclose that  
15   security is provided by an application server to a client computer, over a network, via a  
16   browser interface. However, the examiner points out that client/server computing was  
17   well known in the art. The methods and benefits for provisioning server applications to  
18   clients via a network browser interface, even respecting applications for security – such  
19   as computer scanning and file deletion, has been well established in the art (as is  
20   evidenced by Trend Micro, "HouseCall", 1997, pages 1 and 2).

21           Gaul, discloses a model for providing a remote client or network of clients  
22   numerous and varied security services, such as scanning a remote system for

1 monitoring applications, over a network browser interface (Gaul, pars. 13, 69). Gaul  
2 discloses the benefits of this security provisioning model. Traditional models, wherein  
3 security applications are installed locally onto a host/client, are usually expensive, are  
4 quickly outdated, suffer from the need for operator training, and require installation,  
5 maintenance, and constant updates (Gaul, pars. 4, 5, 11-13). However, a web-based,  
6 application server model is advantageous since it can provide security services to  
7 clients at less cost and hassle (Gaul, par. 13).

8 It would have been obvious to one of ordinary skill in the art to employ the web-  
9 based model for provisioning security services to clients via a browser of Gaul with the  
10 specific security services provided by the local application of Xblock. This would have  
11 been obvious, because one of ordinary skill in the art would have been motivated by the  
12 benefits of web-based security applications, as well as by the well-established fact that  
13 provisioning security applications, such as remote computer scanning and file deletion  
14 via a network browser interface, is both possible and advantageously simple for a user.

15  
16 Regarding claim 2, the combination of Xblock and Gaul discloses:

17 *wherein the steps of selectively securely erasing the file, selectively scanning the*  
18 *remote computer, and selectively clearing activities of the user are selected to occur*  
19 *according to a selection made by the user* (Xblock, page 7, Overview; Gaul, pars. 13,  
20 33).

21  
22 Regarding claim 3, the combination of Xblock and Gaul discloses:

1        *wherein the steps of selectively securely erasing the file, selectively scanning the*  
2        *remote computer, and selectively clearing activities of the user are selected to occur by*  
3        *a security application in accordance with a user profile* (Xblock, pages 7-10; Gaul, par.  
4        33). The combination of Xblock and Gaul discloses that a user of a windows  
5        workstation is provided an authenticated session for the purpose of erasing, scanning,  
6        or clearing his/her personal data, such as his/her own browsing history files. Thus, the  
7        services are in accordance with a user profile.

8  
9        Regarding claim 8, the combination of Xblock and Gaul discloses:  
10       *determining whether an application associated with the remote computer is a*  
11       *suspect monitoring application* (Xblock, page 7, Overview).

12  
13       Regarding claim 9, the combination of Xblock and Gaul discloses:  
14       *comparing an application associated with the remote computer to a database*  
15       *containing descriptions of known monitoring applications* (Xblock, page 4, "What is...";  
16       page 10).

17  
18       Regarding claim 10, the combination of Xblock and Gaul discloses:  
19       *alerting the user to the presence of a monitoring application when a monitoring*  
20       *application is found on the remote computer* (Xblock, page 10, par. 1).

21  
22       Regarding claim 11, the combination of Xblock and Gaul discloses:

1           *transmitting information about a suspect monitoring application to a server across*  
2   *a network when a determination is made that the suspect monitoring application is a*  
3   *monitoring application that is previously unidentified* (Gaul, par. 18; Xblock, page 10,  
4   par. 1). The combination of Xblock and Gaul discloses the provision of security  
5   services over a network, thus the transmission of information over a network.

6  
7           Regarding claims 12 and 13, the combination of Xblock and Gaul discloses:  
8           *wherein selectively scanning the remote computer further comprises removing*  
9   *monitoring applications discovered to be present on the remote computer* (Xblock, page  
10   10, par. 1).

11  
12  
13           Regarding claims 14 – 20, they are the system and computer instruction claims  
14   corresponding to the method claims of 1 – 13, and they are rejected, at least, for the  
15   same reasons. Furthermore, the combination of Xblock and Gaul discloses *a web site*  
16   *by which a user of the remote computer accesses a security application associated with*  
17   *a server* (Gaul, par. 13).

18  
19           **Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the**  
20   **combination of X-Block.com and Gaul in view of McBrearty et al., (McBrearty),**  
21   **U.S. Patent Publication 2002/0133590.**

22

1           Regarding claim 4, the combination of Xblock and Gaul discloses a system for  
2   that protects the confidentiality of information via the erasing of the files. The  
3   combination of Xblock and Gaul, however, does not disclose that the protection of the  
4   confidentiality of information comprises renaming a file to a generic file name.

5           McBrearty discloses that to protect the confidentiality of information, files can be  
6   renamed, thus providing a disguise for the information (McBrearty, cols. 2, 9-11).

7           It would have been obvious to one of ordinary skill in the art to employ the  
8   method of information protection by renaming files, disclosed by McBrearty, within the  
9   combination of Xblock and Gaul that protects the confidentiality of information. This  
10   would have been obvious because one of ordinary skill in the art would have logically  
11   been motivated to allow a user to protect the confidentiality of information without  
12   having to relinquish the ability to retain useful information, such as session histories or  
13   logs.

14  
15           **Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable**  
16   **over the combination of X-Block.com and Gaul in view of Langford, U.S. Patent**  
17   **6,507,911.**

18  
19           Regarding claim 5, the combination of Xblock and Gaul discloses a system for  
20   that protects the confidentiality of information via the erasing of files. The combination  
21   of Xblock and Gaul, however, does not disclose that the erasing of files comprises  
22   *overwriting data associated with the file with a sequence of data.*

1           Langford discloses a method of protecting the confidentiality of information by  
2    overwriting erased files with a sequence of data. Langford discloses that this is  
3    beneficial because it provides extra security by preventing sensitive information from  
4    being easily recovered.

5           It would have been obvious to one of ordinary skill in the art to combine the  
6    method of Langford for securely erasing information by overwriting with the combination  
7    of Xblock and Gaul. This would have been obvious because one of ordinary skill in the  
8    art would have been motivated to ensure that sensitive information could not be  
9    unintentionally compromised.

10  
11           Regarding claim 6, the combination of Xblock, Gaul, and Langford disclose:  
12           *determining whether additional passes of overwriting the data associated with the*  
13           *file are necessary after the data associated with the file is overwritten with the sequence*  
14           *of data* (Langford, col. 2, lines 45-50).

15  
16           **Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the**  
17           **combination of X-Block.com and Gaul in view of Fernandes, U.S. Patent**  
18           **6,014,135.**

19  
20           Regarding claim 7, the combination of Xblock and Gaul discloses an interface to  
21    allow a user to delete information, but does not disclose that the method of erasing a file

1 comprises *providing the user functionality for dragging and dropping a file into a secure*  
2 *recycle bin.*

3 However, the method of providing a user with a graphical user interface (GUI) to  
4 accomplish computer tasks such as the management of data was well known in the art.  
5 Fernandes teaches a GUI comprising icons (example, a trash can) and operational  
6 means (example, drag-and-drop functionality) enables effective computer operation  
7 (Fernandes, col. 1, lines 19-63; col. 2, lines 12-27).

8 It would have been obvious to one of ordinary skill in the art to utilize the teaching  
9 of Fernandes (a GUI comprising drag and drop functionality and trash can icons) within  
10 the interface of the combination of Xblock and Gaul, utilized to erase information. This  
11 would have been obvious because one of ordinary skill in the art would have been  
12 motivated to provide an intuitive method to erase information.

13  
14  
15 ***Conclusion***

16  
17 Claims 1 – 20 are pending.

18  
19 The prior art made of record and not relied upon is considered pertinent to  
20 applicant's disclosure:

21 ***See Notice of References Cited***  
22

A shortened statutory period for reply is set to expire **3** months (not less than 90 days) from the mailing date of this communication.

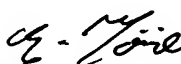
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery Williams whose telephone number is (571) 272-7965. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeffery Williams  
Assistant Examiner  
Art Unit 2137



  
**EMMANUEL L. MOISE**  
SUPERVISORY PATENT EXAMINER